IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 23951 of 2004

Between:

Pitla Ramachandra, s/o Narayana,
r/o Meedipentla (V), Bhoomaiahgaripalli Post, Vemula (M) of Cuddapah District.

..... PETITIONER

AND

1 The Prl.Secretary to Government, Animal Husbandry Dairy Development and Fisheries Department, Govt. of A.P., Secretariat, Hyderabad.

2 The Prl.Secretary to Government, Finance Department, Govt. of A.P.,Secretariat, Hyderabad.

3 The Commissioner of Fisheries, Government of A.P., Shantinagar, Hyderabad.

4 The District Collector, Cuddapah.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more in the nature of writ of mandamus declaring the impugned order of the respondent

No.1 issued in Memo No.2025/Fish.I(2)/2001-4 dt.22-6-01 in rejecting the request of the petitioner for appointment to the post of watchman/Attender in any existing vacancy in Cuddapah, Kurnool or Anantapur and the rejection of the application by the Hon'ble A.P. Administrative Tribunal by an order dated 6-4-2004 in O.A.No.7000/2001 as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India, besides being violative of principles of natural justice; while issuing a consequential direction to the respondents to consider the case of the petitioner for appointment to any last grade service in any existing vacant post in any District of Rayalaseema by duly relaxing the relevant rules in the interest of justice.

Counsel for the Petitioner:MR.D.GOVARDHANACHARY

Counsel for the Respondents : GP FOR SERVICES-I

The Court made the following :

ORDER (per Hon'ble Mr.Justice G.Bikshapathy)

The Writ Petition is filed challenging the order passed by the A.P. Administrative Tribunal in O.A.No.7000 of 2001 dated 6-4-2004.

The case of the petitioner is that his brother who is a Government servant and working as a Record Assistant in Commercial Tax Department, rendered humane service in recovering 11 dead bodies from Somasila Reservoir during the period from 14-9-1996 to 17-9-1996 and in saving 953 persons from floods in different villages on the cause way of river Papagni. Therefore the petitioner sought a direction to the respondents for an appointment in Government service. Since the Government refused to grant employment to the petitioner on the ground that the relevant Rules cannot be relaxed as every appointment in Government Departments should be made by

following recruitment procedure, he approached the A.P. Administrative Tribunal in O.A.NO.7000/2001 and the Tribunal by the order dated 6-4-2004 dismissed the said O.A. The present Writ Petition is filed challenging the said order of the Tribunal dated 6-4-2004.

The Government by the proceedings dated 22-6-2001 rejected the application of the petitioner on the ground that the relevant Rules cannot be relaxed as every appointment in Government Departments should be made by following recruitment procedure. The Tribunal also after considering the matter dismissed the O.A. observing that the claim of the petitioner is not based on any rule or apparent legal right and that the O.A. itself is frivolous in nature and deserves to be dismissed.

The learned Counsel for the petitioner submits that the brother of the petitioner had saved about 953 persons from flood water in different villages on the cause way of river Papagni and also extracted 11 dead bodies from the Somasila Reservoir during the period from 14-9-1996 to 17-9-1996. Therefore the services of the brother of the petitioner should be recognized by giving the petitioner suitable employment in Government.

The learned Government Pleader for Services-I however submitted that it is not the petitioner who has rendered the yeoman services in saving the lives of the people but it is his brother who is already

employed in Government service and therefore there is no question of he being given employment in Government again. It is further submitted that the Government is willing to pay cash reward to the brother of the petitioner keeping in view the services rendered by him in rescue operations.

We have heard the learned Counsel for the petitioner and also the learned Government Pleader for Services-I.

It is not in dispute that the brother of the petitioner had rendered useful service in the accident which took place in Somasila Project. In the said circumstances, the writ petitioner as such is not entitled for any relief. However, it is open for the Government to grant appropriate cash reward to the brother of the petitioner, if they choose to do so. But the question of providing employment in Government to the writ petitioner does not arise in this case as rightly observed by the Tribunal.

Accordingly the Writ Petition is dismissed. No order as to costs.

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Justice G.Bikshapathy

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Justice P.S.Narayana

Date : 30-12-2004

ASSISTANT REGISTRAR

AM

To

1 The Prl.Secretary to Government, Animal Husbandry Dairy Development and Fisheries Department, Govt. of A.P., Secretariat, Hyderabad.

2 The Prl.Secretary to Government, Finance Department, Govt. of A.P.,Secretariat, Hyderabad.

3 The Commissioner of Fisheries, Government of A.P., Shantinagar, Hyderabad.

4 The District Collector, Cuddapah.

5. 2 C.Cs. to Government Pleader for Services-I, High Court of A.P. Hyderabad (OUT)

6. 2 C.D. copies.